

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN DOE,
Plaintiff,

VS.

**THE UNIVERSITY OF TEXAS M.D.
ANDERSON CANCER CENTER, ET
AL.,**
Defendants.

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CIVIL ACTION NO. 4:21-CV-1356

JOINT STATUS REPORT

Pursuant to the Court's Order as indicated in the Hearing Minutes of September 1, 2023 [Dkt. 54], the parties submit this Joint Status Report for March 2024.

1. Lead Counsel

The Attorney in Charge for Plaintiff is: Eddie M. Krenek
The Attorney in Charge for Defendants is: Benjamin S. Walton

2. Ongoing Discovery and Mediation Scheduling

Written Discovery

Extensive written discovery was previously exchanged. Document productions have been exchanged and continue to be exchanged between the parties. Substantial volumes of documents were gathered, reviewed, prepared for production, and produced, including those documents concerning which the Court signed a Standard Protective Order [Dkt. 63] and an Agreed Order Authorizing Disclosure [Dkt. 64] (relating to confidentiality provisions). The parties are in agreement to get at least the core document productions exchanged with sufficient opportunity for review prior to the depositions commencing.

Mediation/ADR

The parties have agreed to mediate this case and have scheduled an all-day mediation with mediator Gloria Portela (with the firm of Seyfarth Shaw LLP) on March 14, 2024. The parties have also had some preliminary discussions concerning aspects of the relief sought by Plaintiff in this case, in an effort to promote mediation efficiency. The Parties are attempting to conduct mediation prior to the start of depositions, and believe that doing so would be more conducive to a potential resolution of the claims.

Depositions

The parties are working towards scheduling depositions beginning with the core parties, with Plaintiff being the first party to be deposed followed by Defendant Sheri Wakefield and/or certain organizational representatives of the institutional Defendants, to take place shortly after the mediation referenced above concludes, in the event the case does not resolve at mediation.

3. Update on Procedural Status of Ancillary Case Pending Before Texas Supreme Court

Reminder (No Change from Previous Report): The Texas Supreme Court granted the Petitions for Review in Case No. 22-0667; Court of Appeals No. 14-20-00588-CV; Trial Court No. 2019-82179. The issue before the Texas Supreme Court concerns the application of TEX. CIV. PRAC. REM. CODE 101.106 (of the Texas Tort Claims Act) concerning the “scope of employment” relating to the reporting of claims of employment/workplace improprieties and whether the initial complainant (Li “Lily” Cai) should be dismissed from the state court proceedings [potential immunity based on “election of remedies” in 101.106(f)]. Oral arguments before the Texas Supreme Court took place as scheduled on Tuesday, January 9, 2024. A more detailed synopsis of this matter is set forth in the parties November 2023 Jt. Status Report, for the Court’s easy reference.

The Parties do not currently believe that the Texas Supreme Court’s decision in that case will directly affect the proceedings now before this honorable Federal Court, unless a position is taken that the initial complainant (Li “Lily” Cai) is not amenable to deposition. It is Plaintiff’s intention that Cai’s deposition will be sought in discovery in this case.

4. Status Update on Criminal Proceedings that are Part of the Factual Events in Plaintiff’s Complaint

There have been no further changes to the status of the pending criminal proceedings against Plaintiff. The parties do not anticipate any issues with these criminal proceedings that would prevent the depositions of Plaintiff and Individual Defendants to proceed, as discussed above. The Parties’ Joint Status Report for October 2023 provides further context relating to the potential issues of concern.

5. Expert Witness Designations

On February 13, 2024, the Court granted Plaintiff’s Unopposed Motion for Leave to Extend Expert Witness Designation Deadlines [Dkt. 67], which extended the expert witness designation deadlines as follows:

3/18/2024	Identification of plaintiff’s experts and production of experts’ reports in the form required by Fed. R. Civ. P. 26(a)(2)(B).
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4/29/2024 Identification of defendant's experts and production of experts' reports in the form required by Fed. R. Civ. P. 26(a)(2)(B).

Plaintiff anticipates that Plaintiff's experts will be timely designated before the deadline referenced above.

Respectfully Submitted,

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**ATTORNEY-IN-CHARGE FOR
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served upon the following counsel of record *via* the Court's ECF system on the 6th day of March, 2024:

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